

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BONNIE RODRICK and)
ELBERT RODRICK,)
)
Plaintiffs,)
)
v.) No. 05-0776-CV-W-FJG
)
WAL-MART STORES, INC.,)
)
Defendant.)

ORDER

Pending before the Court is plaintiffs' motion for voluntary dismissal, without prejudice, of plaintiffs' action (Doc. No. 30). Plaintiffs make this motion pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Plaintiffs request that each party bear its own costs and fees. Defendant does not oppose plaintiffs' motion to dismiss; however, defendant suggests that plaintiff should bear costs.¹ In reply, plaintiffs indicate that no exceptional costs have been incurred by either side, no depositions have been undertaken, and defendant, as "one of the wealthiest corporations in the world, is more than able to bear its own costs of litigation without difficulty." See Doc. No. 32. Plaintiffs further indicate that defendant has not filed a counter-claim, cross-claim, interpleader, motion to dismiss or motion for summary judgment.

After considering the pending motion, the Court **GRANTS** plaintiffs' motion (Doc. No.

¹Defendant provides no rationale as to why costs should be assessed against plaintiffs.

30) in full. This case is **DISMISSED WITHOUT PREJUDICE**, with each party bearing its own costs.

IT IS SO ORDERED.

/S/FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 1, 2006
Kansas City, Missouri